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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER: FORD, J

ART UNIT	PAPER NUMBER
3743	2

DATE MAILED: 02/11/00

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QM02/0211

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-36 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

* U.S. GPO: 1996-409-290/40029

Figure 12 is disclosed as "related art". If it is "prior art" to this application please legend Figure 12 with the words "PRIOR ART". Is there some publication and/or patent corresponding to this related art? The explanation of Figure 12 is somewhat unclear given the large number of disclosed but unillustrated features described on pages 1-3 of the specification. Please provide a patent or publication if available.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, formal correction of the noted defect(s) can be deferred until the application is allowed by the examiner.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12 and 26-36, drawn to a system using electric heating, classified in class 219 or 392, subclass --.

II. Claims 13-25, drawn to a heating and cooling system, classified in class 165, subclass 206.

The inventions are distinct, each from the other because:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination as recited in claims 13 and 14 does not depend on any of the detailed heater features claimed in claims 1, 3 and 26, namely zoned heater with control systems (claims 1 and 3) as well

as dual upper and lower heaters (claim 26). The subcombination has separate utility such as by itself without any cooling system (i.e. as a generic platen heater).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Consistent with the above election of an invention, a species requirement is set forth below.

This application contains claims directed to the following patentably distinct species of the claimed invention: first species of device of Figures 1-8, wherein the platen is electrically zone heated and the cover is not temperature conditioned,

second species of device of Figures 9-11, wherein the platen is electrically zone heated and the cover is electrically zone heated,

third species of device of Figures 13-14, wherein the platen is heated (as in figures 9-11) and the cover is cooled,

fourth species of device of Figures 15-17 wherein the platen is heated by a vaporizable liquid and the cover is cooled.

fifth species of device of Figures 18-22 wherein the platen is heated by a vaporizable liquid and the cover is electrically zone heated.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Please elect one invention (Group I or II) and one species (of 5 set forth) consistent with the election of an invention.

Any inquiry concerning this communication should be directed to John Ford at telephone number (703) 3087-2636.

John K. Ford
Primary Examiner

J. FORD:LM
FEBRUARY 01, 2000